

K Great Brit. Geol.

England - Parliament [Bills - II George II]

Read 16 March 1753 [1]

Enacted 26 Geo. II. Public Acts, c. 57

213. c. 2

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*A BILL for Raifing a Sum of Money,
by a County-Rate, for Erecting or Pur-
chafing a proper Prison for Debtors, in
the County of Devon.*



Whereas, for want of a publick or com-
mon Prison or Gaol for Confinement of
Debtors, in the County of *Devon*, the
Sheriff of the said County, for the Time
being, hath, for many Years last past,
been obliged to hire a House for that
Purpose; which is not only attended with
constant and considerable Expence, and
a great Hazard to the said Sheriffs re-
spectively, to whose Custody divers Per-
sons are frequently committed for Debts
to a great Amount; but is also inconvenient to the said County
in general:

And whereas the House which now is, and, for many Years
last past, hath been, used as a Prison for Debtors in the said
County, is situate in the Parish of *Saint Thomas the Apostle*, in
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the said County; and might be made fit, and rendered commodious, for that Purpose, in case the absolute Property thereof was vested in the Sheriff of the said County of *Devon*, for the Time being; and the same was intirely under, and subject to, his Management, Governance, and Direction:

And whereas the said House, together with the Gardens, Walks, and Curtilage thereto belonging, is the Inheritance of the Custos and College of Vicars Choral of the Cathedral Church of *Saint Peter*, in *Exeter*; and is now held by, and in the Possession of, *George Glanville*, the present Keeper of the said Prison or Gaol, for his Life, by virtue of and under a Lease from the said Vicars Choral, at the yearly Rent of Seven Shillings; and the said Custos and College of Vicars Choral have proposed, and are willing and desirous, to sell and alienate the Fee and Inheritance of the said Premises, expectant on the Death of the said *George Glanville*, for the Sum of One hundred Pounds to be paid to them in Money, and a perpetual Annuity, or yearly Rent, of Eight Pounds, clear of all Deduction, to be made payable to them, and their Successors; and the said *George Glanville* hath also proposed, and is willing and desirous, to sell and dispose of his Life-Estate and Interest in the said Premises, for the Sum of Two hundred Pounds; and the Reverend the Dean and Chapter of the said Cathedral Church of *Exeter*, who are Patrons, and have the Power of Nomination, and Right of Presentation, of the said Vicars Choral, and the Right Reverend the Lord Bishop of *Exeter*, the Ordinary of the Place, are also consenting that such Disposition and Alienation of the Premises may be made, upon the Terms, and for the Purposes, afore-mentioned; **But** as neither such Alienation can be effectually made, nor the Consideration, so stipulated or proposed to be given for the same, can be properly raised and secured, without the Aid and Authority of Parliament:

May it therefore please Your most Excellent MAJESTY,

That it may be **Enacted**; **And be it Enacted**, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Messuage or Tenement, now in the Tenure, Possession, and Occupation, of the said *George Glanville*, situate and being in the Parish of *Saint Thomas* the Apostle, in the said County of *Devon*, and now, and for many Years last past, used as a Gaol, Ward, or Prison, for Debtors, in the County of *Devon*, with all the

the Courts, Yards, Curtilages, Gardens, Walks, and Grounds, thereunto belonging or appertaining, as the same now are in the Tenure or Occupation of the said *George Glanville*, and all Ways, Waters, Watercourses, Walls, Fences, Lights, Easements, Privileges, Profits, Commodities, and Appurtenances, thereto belonging, or therewith used or enjoyed, or accepted, reputed, taken, or known, as Part, Parcel, or Member thereof, and the Reversion and Reversions, Remainder and Remainders, of the same Premises, shall, from and after

be settled upon, and vested in,

and the same are hereby from thenceforth settled upon, and vested in,

their Heirs and Assigns, freed and discharged, and absolutely acquitted, exempted, discharged, and exonerated, of, from, and against, all Estates, Right, Title, and Interest, of the said Custos and College of Vicars Choral, and the said *George Glanville*, respectively, for ever; but nevertheless, to the several Uses herein after-mentioned; that is to say, until such time as the Sum of

so proposed and stipulated to be paid to

the said Vicars Choral and *George Glanville*, respectively, for or towards the Purchase of the Premises, as aforesaid, shall be accordingly paid and satisfied; to the Use of the said *George Glanville*, for Life, but subject to the Rents and Covenants reserved and contained in his Lease of the Premises on the Lessees Part and Behalf, to be paid and performed; and, after his Death, to the Use of the said Custos and College of the said Vicars Choral, and their Successors, for ever; and immediately after the said Sum of

shall be paid to the said Custos and College of

Vicars Choral, and the said Sum of to
the said *George Glanville*, for and towards the Purchase of the same Premises, then to the Use of the said

their Heirs and Assigns for ever; to the End and Intent, that the said Messuage or Tenement, and Premises, vested and settled by this Act, may be used, held, and employed, as and for a common Gaol, Prison, or Place of Confinement, for Debtors, in the said County of *Devon*, for ever; and may be repaired, maintained, and supported, by such Ways, Means, and Methods, and with and under

under such Regulations, Powers, and Authorities, not otherwise provided for by this Act, as the Monies for building and repairing County-Gaols are appointed to be levied, collected, paid, received, and accounted for, in and by an Act, made and passed in the Eleventh and Twelfth Years of the Reign of King *William* the Third, intituled, *An Act to enable Justices of Peace to build and repair Gaols in their respective Counties.*

And it is hereby further Enacted, That, immediately after the said Messuage or Tenement, and Premises, shall, by virtue, and according to the Tenor and true Meaning, of this Act, vest in and enure to the Use of the said

and their Heirs, to be used and employed as a common Gaol or Prison, as aforesaid, the said Gaol or Prison, and the Gaolers, Keepers, and Officers, employed, and to be retained and employed therein, shall be subject to and under the Management, Direction, Governance, and Appointment, of the Sheriff of the County of *Devon*, for the Time being, in such and the same manner as the Gaolers, Keepers, and Officers, of and in other common Gaols and Prisons in other Counties within this Kingdom, are under and subject to, respectively.

And, for the raising Money to pay the Purchase-money for the Premises, and making Provision for the due Payment of the said perpetual Annuity or yearly Rent of Eight Pounds, so stipulated to be paid to the said Custos and College of the Vicars Choral, as aforesaid; **It is hereby further Enacted,** by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace for the County of *Devon*, at their next General Quarter-Sessions, to be held for the said County, after the

or at any subsequent Quarter-Sessions, or of them, then and there assembled, to ascertain and assess generally such Sum and Sums of Money as to them shall appear to be requisite and necessary, for the Payment of the said

so stipulated and proposed to be paid for the Purchase of the Premises, and for the putting the Premises in a proper Condition and Repair, for the Purpose aforesaid; and also for the paying and defraying the Charges and Expences incident to and attending the obtaining and passing this Act; and also, from time to time,

time, at any such General Quarter-Sessions, to make such Rate and Assessment as they shall find to be requisite and necessary for the due and regular Payment of the said perpetual Annuity, or yearly Sum, of _____ to the said Custos and College of the Vicars Choral aforesaid ; so as no such general Assessment, so to be made, shall exceed the Rate or Proportion of _____ in the Pound, according to the yearly Value of the Manors, Messuages, Lands, Tythes, Tenements, Hereditaments, and other Estates, within the said County.

And it is hereby Enacted and Declared, That the said general Assessment and Assessments shall be made, charged, and laid in equal Proportions, as near as may be, according to the best Skill and Judgment of the Justices making the same, on the several Hundreds, Divisions, Parishes, Towns, Hamlets, Liberties, Precincts, or Places, within the said County, by Warrant or Warrants under the Hands and Seals of such Justices at any such Quarter-Sessions assembled, or _____ of them ; who are hereby authorized and impowered to direct their Warrants and Precepts to the several Constables, or to any other Officer or Officers, as shall be most convenient for the particular and equal assessing, levying, and collecting, the same, according to a Pound-Rate, upon the Occupiers of the several Manors and other Estates aforesaid, within the respective Parishes, Places, and Divisions, for which such Constable, or other Officers, shall serve ; who are hereby respectively required forthwith to assess, levy, and collect, the same accordingly, and to pay the Monies collected, as by such Warrant or Warrants, Precept or Precepts, shall be directed.

And it is hereby further Enacted and Declared, by the Authority aforesaid, That all Monies, which shall be so charged and laid by such Justices, to be raised and assessed for the Uses and Purposes aforesaid, by virtue of this Act, shall be levied, collected, paid, received, and accounted for, in such Manner, by such Ways, Means, and Methods, and with and under such Regulations, Directions, Power of Distress, and other Powers, Appointments, and Authorities (not otherwise directed by this Act), as the Monies for building and repairing County-Gaols are appointed to be levied, collected, paid, received, and accounted for, in and by the said Act, made in the Eleventh and Twelfth Years of the Reign of King *William* the Third ; and which, by an Act, passed in the Third Year of the Reign of his late Majesty King *George* the First, is made perpetual ; and all Powers and Authorities, granted by

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that Act to Justices of Peace, are hereby granted to, and may be applied, used, and exercised, by, the Justices of Peace assembled, from time to time, at the General Quarter Sessions to be holden for the said County of *Devon*, or the of such of them as shall be so assembled for the Purposes intended by this present Act, and in the Execution thereof.

Provided nevertheless, and be it Enacted, by the Authority aforesaid, That it shall and may be lawful for any Justice of the Peace for the said County to grant his Warrant or Warrants for of the Person or Persons refusing or neglecting to pay the Sums to be assessed on him, her, or them, in pursuance of this Act.

And, to the end the said Gaol may, for ever hereafter, be kept secure for the safe Custody of all such Debtors as shall be thereto committed; and the same, with the said Buildings, at all times kept in good and sufficient Repair; **Be it Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace for the said County, assembled at their General Quarter-Sessions, or for of such of them who shall be so assembled, from time to time, to raise, or cause to be raised and levied, such Sum and Sums of Money as shall be necessary for repairing and strengthening the same; which Money shall be assessed, raised, levied, collected, paid, and accounted for, in such Manner, and by such Means, Ways, and Methods, as the Monies to be raised and levied in pursuance of this Act.

And be it further Enacted, by the Authority aforesaid, That when, and as often as, the said Trustees shall be reduced by Death to the Number of then it shall and may be lawful to and for the remaining Trustees, or any or more of them, to elect and appoint, by Writing under their Hands and Seals, any Number of Persons residing in the said County, not exceeding in whom, together with the old Trustees, the Fee-simple and Inheritance of the said Piece of Ground shall, by virtue of such Appointment, be vested, in Trust for the Service and Benefit of the said County, for the Purposes aforesaid; and the said Number of Trustees shall, from time to time, be filled up in manner aforesaid, whenever the Trustees shall be reduced to the Number of

Provided also, and be it Enacted, by the Authority aforesaid, That all Persons who shall apprehend themselves overcharged, or
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otherwise aggrieved, by any Assessment, or other Act, to be made or done by virtue of this present Act, such Persons may appeal to the Justices of the Peace, assembled at the next General Quarter-Sessions held for the said County, after Demand of the Monies assessed, or after such other Act done; who may make such Order therein, as to them, or of them, then and there present, shall seem meet,

And be it Enacted, by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act; and all Judges, Justices, and other Persons, shall take Notice thereof as such: And if any Action or Suit shall be commenced against any Person or Persons for any Act, Matter, or Thing, done in pursuance of this Act, then, and in such Case, such Action or Suit shall be brought and commenced within next after the Fact committed, and not afterwards; and shall be laid or brought in the County of *Devon*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Tryal to be had thereupon: And if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue such Action or Suit; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Costs; and have such Remedy for such Costs as any other Defendant or Defendants hath or have for Costs in other Cases by Law.

*A BILL for Raising a Sum
of Money by a County-Rate,
for Erecting or Purchasing
a proper Prison for Debtors,
in the County of Devon.*

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